IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.1297 OF 2007

Airports Authority Kamgar
Unit and Anr. .. Petitioners.
Vs.
Indian Airport Kamgar
Unit and Anr. .. Respondents.

Mr.Shamrao S.Patil with Mr.Avinash Patil for the petitioners.
Ms.Monica Sakhrani for the respondents.

CORAM : D.B.BHOSALE, J.

DATED : 30TH JULY, 2007.

P.C.:

. Heard learned counsel for the parties.

2. This writ petition is directed against an order dated 29.5.2007 passed by the tribunal on an application filed by respondent-union seeking interim relief under section 10(4) of the Industrial Disputes Act, 1947 pending hearing and disposal of the Reference before the Tribunal. By this order the petitioners are directed to pay to the workmen the wages equal to basic salary plus D.A. paid to the lowest category of regular workmen employed by the company with effect from 1st June, 2006 and disposed of the application.

3. Mr.Anand Grover, learned counsel for the respondent-union at the outset, on instructions, submitted that the union and the concerned workmen will be satisfied even if the petitioners are directed to deposit a difference between the wages, they are being paid as of today, and the wages that they would be entitled to be paid pursuant to the order impugned in the present writ petition within time frame and if the directions are given to the Industrial Tribunal to dispose of the reference expeditiously.

4. Mr.Patil, learned counsel for the petitioners opposed the prayer made by the learned counsel for the respondents. He invited my attention to the order passed by this court dated 8.2.2002 in writ petition no.78 of 2000. By this order an ad-interim relief in terms of prayer clause (c) and (d) was granted. None of the learned counsel appearing on behalf of the parties has a copy of the petition or are in position to state what exactly were the prayers. I am informed by the learned counsel for the petitioners that since the order in terms of prayer clause (c) and (d) was not implemented the contempt petition was filed in this court. The petitioners challenged the order passed in the

contempt proceedings before the Supreme Court and the Supreme Court vide order dated 7.4.2003 in Special Leave to Appeal No.5383 of 2003 issued notice and granted stay to the proceedings in Contempt Petition No.60 of 2002. The appeal in the Supreme Court so also the contempt petition in this court are still pending. In view thereof Mr.Patil, learned counsel for the petitioners further submitted that if the interim relief granted by the impugned order is not stayed in this writ petition the Special Leave to Appeal pending before the Supreme Court will become infructuous. I fail to understand as to how Special Leave to Appeal in the Supreme Court would render infructuous if the impugned order is confirmed or not interfered with. It appears that writ petition no.78 of 2000 was disposed of by the Division Bench vide order dated 16.12.2002 directing the appropriate Government to make a reference of the demands made by the respondent-union. While making reference it was observed by the Division Bench that it will be open for the workmen to apply to the concerned Industrial Tribunal for interim relief within a period of four weeks from the date of notice of reference. It was further observed that till the application for interim relief was decided by the Industrial Tribunal and for a period of four weeks thereafter, respondents were directed to abide by the interim

relief granted by this Court, if any. The petitioners were also allowed to change the contractor with the rider that the new contractor shall engage the same workers subject to the order of the Industrial Tribunal. All the contentions of the parties were kept open.

5. It is against this backdrop the reference was made and the application under section 10(4) of the Industrial Disputes Act was filed by the respondent-union. Considering the submissions advanced by learned counsel for the parties and looking to the nature of controversy and the relief granted by the tribunal I am satisfied that the following order shall meet the ends of justice:

(i) The petitioners shall deposit the difference between the wages, the workmen are being paid as of today and the wages they would be entitled to be paid pursuant to the order impugned, within a period of six weeks from today in the Tribunal. The petitioner shall continue to deposit the difference, as aforementioned, every month till the disposal of the reference. On such deposit being made the tribunal shall pass appropriate order/s to invest the said monies in fixed deposit.

(ii) All contentions raised in the writ petition and the reply affidavit are allowed to be raised before the tribunal. The tribunal will deal with the reference on merits and in accordance with law.

(iii) The Industrial Tribunal shall decide the reference without being influenced by the observations made in the impugned order and dispose of the same as expeditiously as possible and in any case within a period of six months from the date of receipt of this order.

. With these observations the writ petition is disposed of.

(D.B.BHOSALE, J.)